



TTAB

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria,
VA 22313-1451

January 21, 2011
Via Express Mail

74156730

Attn: Jennifer Krisp

**Re: Cancellation No. 92051465
Trademark Registration No. 3105816 ("EDGE" Class 16)
Reversal of Section 7 Filing?**

Dear Ms. Krisp,

You will recall that in respect to the above cancellation proceeding a Section 7 Surrender was submitted in respect to the above trademark registration 3,105,816 (mark "EDGE" in class 16). However, we have been reminded that a substantial part of this trademark registration was assigned to Future Publishing Limited ("Future") in October 2004.

Since the registration in question was part owned by Future, both at the time the instant cancellation proceedings were commenced, and certainly at the time the Federal Court action was commenced in June 2010, as a co-owner of the registration Future had a right to be listed as a co-defendant in both the TTAB proceeding and the Federal Court proceeding.

Since Future had a right to defend any action to cancel this trademark, and since they were not given the opportunity to be a party to either the TTAB action or the Federal Court action, we believe that neither the TTAB nor the Federal Court had standing to make a decision regarding the registration. Certainly, Edge Games Inc had no standing, and no authority given it by Future, to make any agreement or stipulation on behalf of Future to surrender this particular trademark registration.

We thus suspect the Section 7 surrender in respect to this one trademark registration was not valid since Future's permission was not sought, and we also suspect the October 2010 Stipulated Federal Court Order may not have been valid for this particular registration for the same reason. If so, we suspect the Section 7 Surrender for this mark may need to be reversed/voided. We would appreciate your opinion on this matter.

Sincerely,

Dr. Tim Langdell, CEO.



01-26-2011

U.S. Patent & TMO/TM Mail Rpt. Dt. #72

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